

ENTERED

February 14, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CAROLYN STONE,

§

Plaintiff,

§

VS.

§

Civil Case No. 4:19-CV-00413

§

HARLEY MARINE SERVICES, INC. §
HARLEY MARINE GULF, LLC, HARLEY §
CHANNELVIEW PROPERTIES, LLC, §

§

Defendants.

§

§

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the January 30, 2024 Amended Memorandum and Recommendation ("Amended M&R") prepared by Magistrate Judge Peter Bray. (Dkt. No. 146). Judge Bray made findings and conclusions and recommended that Defendants' Motion for Summary Judgment on Plaintiff's Nuisance Claim, (Dkt. No. 117), be granted, and Defendants' Motion for Partial Summary Judgment on Plaintiff's Breach of Restrictive Covenants Claim—Statute of Limitations, (Dkt. No. 120), be granted in part. (Dkt. No. 146).

The Parties were provided proper notice and the opportunity to object to the Amended M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No party filed an objection. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears.

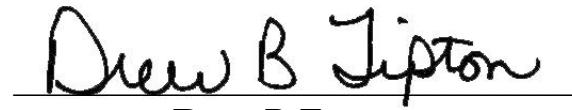
Accordingly, the Court accepts the Amended M&R and adopts it as the opinion of the Court. It is therefore ordered that Judge Bray's Amended M&R (Dkt. No. 146) is

ACCEPTED and **ADOPTED** in its entirety as the holding of the Court; and

- (1) Defendants' Motion for Summary Judgment on Plaintiff's Nuisance Claim, (Dkt. No. 117), is **GRANTED**; and
- (2) Defendants' Motion for Partial Summary Judgment on Plaintiff's Breach of Restrictive Covenants Claim – Statute of Limitations, (Dkt. No. 120), is **GRANTED IN PART**.

It is SO ORDERED.

Signed on February 14, 2024.


Drew B. Tipton
DREW B. TIPTON
UNITED STATES DISTRICT JUDGE